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UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 28 2004

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK BODDY and DANIEL P. JOHNSON

Application No. 09/188,399

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on September 10, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On June 24, 2002, appellants filed an amendment (Paper No. 10). On September 12, 2002, appellants filed a Request for Continued Application (RCE) wherein appellants also requested that the amendment (Paper No. 8) be entered. In an Office Action mailed on November 25, 2002 (Paper No. 14), the examiner indicated on page 2 that the amendment (Paper No. 10) had been entered. However, a review of the application reveals that the amendment filed on June 24, 2002 (Paper No. 10) has not been

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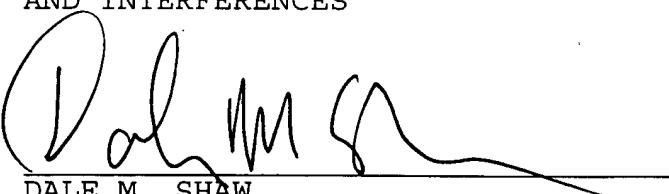
physically entered. Moreover, appellants filed another amendment on July 17, 2003 (Paper No. 17). The examiner notified appellants in an Advisory Action mailed on July 25, 2003 (Paper No. 18) that the amendment would be entered. Likewise, this amendment was also not physically entered by the examiner.

Accordingly, it is

ORDERED that the application is returned to the examiner for physical entry of the amendments filed June 24, 2002 (Paper No. 10) and July 17, 2003 (Paper No. 17), written notification to appellants of entry of these amendments, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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